THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.11739 OF 2005

O R D E R:

The writ petition has been filed by the petitioner N.Lalit Sai with a prayer to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, directing the respondents to permit the petitioner to write 1st year B.Tech theory examination for 2005 scheduled to be started from 01-06-2005 or to allow him to write 1st year examination in next academic year without insisting him to pay tuition fees.

The petitioner is a student of 1st year B.Tech.Course in the second respondent-Sree Vidyanikethan Engineering College. Because of shortage of attendance, he was not permitted to write the examination scheduled to be held from 01.06.2005. Assailing the action of the respondents, he has filed this writ petition, invoking jurisdiction of this Court under Article 226 of the Constitution of India.

The writ petitioner prayed the following two reliefs:

1. *To permit him to write 1st year examination of B.Tech Course scheduled to be held on 01.06.2005*

2. *To permit him to pursue 1st year cousese in the next academic year without insisting upon fresh payment of tuition fees.*

Since the examinations have already been conducted, the writ petition has become infructuous. Even otherwise, the attendance of the petitioner is less than 65%. The Regulations do not permit for condonation of shortage of attendance less

than 65%. This issue has been squarely covered by a Division Bench of this Court in ***M.SUNIL CHAKRAVARTHY AND OTHERS VS. PRINCIPAL, SREEKALAHASTEESWARA INSTITUTE OF TECHNOLOGY, SRIKAHALASTHI AND ANOTHER*** wherein it has been held that shortage of attendance in college education beyond the limit prescribed in Regulations cannot be condoned by any authority contrary to Rules and Regulations.

With regard to the second prayer, the petitioner is at liberty to submit an application to the second respondent-College seeking exemption of fees for pursuing 1st year Course for the academic year 2005-2006 and thereupon, the second respondent-College is at liberty to consider the application in accordance with the Rules & Regulations in the Course.

With the above observations, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY

Dt.20.08.2005

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